



AGENDA

NOTE: In the case of non-members, this agenda is for information only

- Committee** - **POLICY DEVELOPMENT AND REVIEW PANEL 2**
- Date & Time** - WEDNESDAY, 3RD SEPTEMBER, 2008 AT 10.00 AM
- Venue** - THE BOWLS ROOM, WATTON SPORTS CENTRE

Members of the Committee requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting. If the information requested is available, this will be provided, and reported to Committee.

Panel 2 Members:

Mr M.A. Kiddle-Morris (Chairman)	Mr M.J. Griffin
Mr C.R. Jordan	Mrs S.M. Matthews
Mrs J. Ball	Mrs L.H. Monument (Vice-Chairman)
Mr S.G. Bambridge	Mr D.G. Mortimer
Councillor Claire Bowes	Mrs P. Quadling

PERSONS ATTENDING THE MEETING ARE REQUESTED TO TURN OFF MOBILE TELEPHONES

Member Services
Elizabeth House, Walpole Loke,
Dereham Norfolk, NR19 1EE

Date: Friday, 22 August 2008

PART A

ITEMS OPEN TO THE PUBLIC

	<u>Page(s)</u> <u>herewith</u>
1. <u>MINUTES</u> To confirm the Minutes of the meeting held on 24 July 2008.	1 - 9
2. <u>APOLOGIES</u> To receive apologies for absence.	
3. <u>URGENT BUSINESS</u> To note the Chairman proposes to accept any item as urgent business, pursuant to Section 100(B)(4)(b) of the Local Government Act, 1972.	
4. <u>DECLARATION OF INTEREST</u> Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Members' Code of Conduct requires that declarations include the nature of the interest and whether it is a personal or prejudicial interest.	
5. <u>NON-MEMBERS WISHING TO ADDRESS THE MEETING</u> To note the names of any non-Members wishing to address the meeting.	
6. <u>EMPTY DWELLINGS POLICY</u> To receive a report on the Council's Empty Dwellings Policy.	10 - 18
7. <u>BRECKLAND VOICE - REVIEW OF DISTRIBUTION</u> To receive a report on the Review of Distribution and associated costs.	19 - 26
8. <u>WORK PROGRAMME</u> To consider the work programme.	27
9. <u>DATE OF NEXT MEETING</u> To note that the next meeting will be held on Thursday, 16 October at 10.00 a.m. in the Norfolk Room.	

PROTOCOL

The Working Style of the Policy Development & Review Panels

This document sets out the roles of Members and Officers, and the general principles to be adopted by the Policy Development & Review Panels (PD&RP) overseeing the Panel's mode of operation.

Member Leadership

Members of the Panel will undertake scrutiny topics as directed by the Overview & Scrutiny Commission (O&SC) and will recognise that best practice identifies scrutiny as a Member-led activity. The Panel will expect Cabinet members, to take responsibility for answering their questions about topics which primarily relate to the Council's activities.

A Constructive Atmosphere

Meetings of the Panel will be constructive and not judgmental. Panel recognises and accepts that effective scrutiny is best achieved through challenging and constructive enquiry. People giving evidence at Panel should be given due respect and not made to feel under attack.

Independence

Members of the PD&RP will not be subject to whipping arrangements by the party groups.

Respect and Trust

Meetings will be conducted in a spirit of mutual respect and trust.

Consensus

Members of the Panel will work together and, while recognising political allegiances, will attempt to achieve consensus and agreed recommendations. There will be recognition that the Panel has a primary duty to scrutinise on behalf of the community.

Openness and Transparency

The PD&RP's business will be open and transparent, except where there are sound reasons for protecting confidentiality. The minutes of the Panel's meetings will explain the discussion and debate so that they can be understood by an outside reader.

Impartial and Independent Officer Advice

Officers who advise and support the Panel will give impartial and independent advice, as officers support all members of the Council.

Regular Review

There will be regular reviews of how the scrutiny process is working, and a willingness to change if it is not working effectively.

Programming and Planning

The Panel will have a programme of work assigned by the Overview & Scrutiny Commission. The Panel will be able to suggest additional topics for review through the O&SC for approval in the work programme. Before each topic is commenced, the O&SC will agree the scope of the exercise, what information they will need initially, and which members, officers and external witnesses they wish to see.

Managing Time

The Panel will aim to conclude the business of each meeting in reasonable time. The order of business will be arranged as far as possible to minimise the demands on the time of witnesses. Where possible, members should give advance notice of specific questions being provided at the time of the meeting to save items being deferred.

BRECKLAND COUNCIL

At a Meeting of the

POLICY DEVELOPMENT AND REVIEW PANEL 2

**Held on Thursday, 24 July 2008 at 10.00 am in
The Norfolk Room, Conference Suite, Elizabeth House, Dereham**

PRESENT

Mr M.A. Kiddle-Morris (Chairman)	Mrs S.M. Matthews
Mrs J. Ball	Mrs L.H. Monument
Mr S.G. Bambridge	Mr D.G. Mortimer
Mr M.J. Griffin	Mrs P. Quadling

Also Present

Mr R.F. Goreham	Mrs D.K.R. Irving
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In Attendance

Ralph Burton	- Economic Projects Officer
Sheila Cresswell	- Member Services Officer
Keith Fuller	- Community Safety Officer
Michael Horn	- Head of Legal Services
Graham Parfitt	- Legal Executive
Elaine Wilkes	- Senior Member Services Officer

Action By

23/08 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 23 June 2008 were confirmed as a correct record and signed by the Chairman.

24/08 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Councillor Bowes.

25/08 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

Mr R Goreham, Leader of the Labour Group and Ward Member for Dereham Central, attended for Agenda Item 6.

Councillor D Irving was also in attendance.

26/08 HM REVENUE & CUSTOMS CHANGE PROGRAMME (AGENDA ITEM 6)

Keith Simpson MP was in attendance for this item, together with Lee Sutton (Branch Secretary, PCS Union) and Lina Curtis (PCS representative from HM Revenue & Customs (HMRC) Dereham office).

The Economic Projects Officer presented the report and explained the background to HMRC's Change Programme, on which the Council was being consulted. HMRC was undertaking a radical review of its estates and operations throughout the country following the merger of HM Revenues and Customs and Excise. The report outlined the proposals

Action By

covering the offices in East Dereham, Great Yarmouth and Norwich. The Council's views were sought on the proposed withdrawal of 'back office' staff and closure of the Revenue buildings at 24 Church Street, Dereham, although a small 'presence office' in Dereham was proposed to be retained.

The consultation deadline for responses was 25 July 2008. The Overview and Scrutiny Commission had referred the matter to this Panel with authority to formulate a response on its behalf to meet the deadline.

Following receipt of the consultation letter from HMRC, an initial meeting had taken place on 30 June 2008 between local representatives from HMRC and Breckland Council to discuss the implications of the proposed changes on local residents generally and from the view of HMRC staff currently based in Dereham, details of which were set out in the report.

Referring to the record of the 30 June meeting, the Chairman noted that Dereham HMRC officials had expressed concern about data used from the local database and asked for clarification on this point.

Lina Curtis explained that it appeared that central office of HMRC derived its statistics from their NOMIS website which could be inaccurate and skew figures because it covered a much wider area than Dereham. She felt that the Council's response should therefore fully reflect the potential local impact of any changes.

The Economic Projects Officer went on to explain that a second meeting had taken place on 15 July, with representatives from HMRC (central) (Paul Smyth from the Workforce Change Department and Les Smith, Regional Lead in the East for the programme) and Mr M. Kiddle-Morris, Mr R. Goreham, the Chief Executive and the Economic Projects Officer. (HMRC had declined to attend an open meeting.)

The meeting had highlighted the difficulties there would be in challenging the proposals. HMRC was in the midst of a review which was to last until 2011, when they estimated that they would require approximately 25% fewer staff and a third less accommodation to deliver their business. They therefore needed to find more efficient ways of working and remove duplication. Additionally, they were focused on getting value for money for tax payers. They were reacting to a central government request to realise targets across the board and therefore had to find reductions and make recommendations to the Minister.

When challenged, HRMC (central) officers had been unable to make any predictions about whether there would be any compulsory redundancies in Dereham as the formal processes had not yet commenced.

It was pointed out that in the period 2006-07 Dereham had had 10,600 walk-in enquiries. HMRC responded by confirming that they would retain a face-to-face presence in Dereham but with only 4-5 members of staff and not necessarily in the current building since that would be unviable.

Action By

When asked what they considered a viable presence in order to retain an office in Dereham, HMRC said there would need to be at least 100 staff. The current proposal was to withdraw 30 staff from Dereham and re-locate them to Norwich (or Kings Lynn).

Members commented that HMRC's view that staff could reach Kings Lynn or Norwich within 45 minutes was false. There was also a carbon footprint point to be considered whenever extra travel was involved, especially in rural areas.

Keith Simpson MP explained that he had become involved because the PCS union had met with members of HMRC in early July to explain their case. He had sent a letter on 14 July to Jane Kennedy, Minister at the Inland Revenue, specifically questioning various aspects of their case. Whilst conscious that HMRC needed to search for best value for money and reflect the impact of changes in technology, they needed to study core information, not just averages which were too vague.

He had specifically raised the following points:

- In regard to economic viability, he questioned whether HMRC had fully considered the impact of transferring from Dereham to Norwich.
- In spite of modern technology, many people still preferred face-to-face discussions, with the reassurance of confidentiality and of special-case handling where necessary.
- Had HMRC taken into account the impact on Dereham itself – on the community more generally and also in terms of the considerable projected growth patterns for the area over the coming years?

Mr Simpson pointed out that although Parliament was now in recess, he would nevertheless be pressing for a response by mid-August.

Mr Goreham made the following points:

- He was delighted that Keith Simpson MP had attended the meeting and was supporting the campaign, as his interest and representation in this matter would hopefully make a difference to the outcome.
- Many people, he felt, became frustrated when dealing with customer contact centres at the main Inland Revenue offices and a core reason for challenging HMRC's proposals for Dereham was that people wanted the facility of face-to-face inquiries, reassurance; help and attention.
- He pointed out that the 10,600 walk-in visitors in 2006/07, when taken as a pro-rata of the population, was extremely high compared to that cited for Norwich.
- Additionally, when taking into account traffic, free parking and accessibility for disabled staff, there were strong arguments for moving one of the Norwich offices out to Dereham.

Action By

- Whilst accepting HMRC's remit to streamline and improve efficiency etc, he argued the need to keep in mind that the majority of the rural population would probably prefer to travel to Dereham rather than Norwich.
- He sought assurances from HMRC that everything possible would be done to avoid redundancies or re-location of long-serving local staff.

Lina Curtis stressed that one of the key reasons for keeping the Revenue building in Dereham was that it offered young people the opportunity for quality local jobs. Otherwise they would need to fund travel costs to Norwich or King's Lynn. A withdrawal of the Revenue office would be a big loss for Dereham.

Mr Sutton made two points:

- HMRC stated that 100 staff were required to make an office "a viable unit" but this was contradicted by the fact that the proposals for Norwich and King's Lynn offices were less than this number.
- There was evidence that understaffing resulted in staff travelling in to work at presence offices from other areas, so it could be that staff might have to travel from Norwich or King's Lynn to work in Dereham.

Members agreed the view that it was questionable whether a move to the city would be sustainable and that the Council was looking to reduce rural journeys and help local economies. The point was also made that the Council was working towards the regional expansion of small market towns and therefore local services were increasingly important.

HMRC's claim about getting "value for money for tax payers" was felt by a Member to be "short-sighted, unimaginative and not environmentally friendly". Rather than reducing their presence in Dereham, HMRC should be looking to expand it.

Many of the current staff were Dereham-based and therefore able to use public transport to/from work. The Chairman asked if HMRC would reimburse mileage costs as part of any relocation package for Dereham staff and it appeared that they would do so, but only for a limited time.

A local Member pointed out that the Dereham office had never suffered a lack of interest in jobs: any vacancies always generated a lot of local interest.

Mr Goreham suggested that there were alternatives if HMRC needed to reduce the number of buildings in the area and that a solution could probably be found which would allow HMRC to run a full office in Dereham whilst taking out one of the Norwich offices instead.

He added that the proposed regional growth over the next 10-15 years needed to be taken into account and questioned whether HMRC had requested this information from Norfolk County Council and whether projected growth figures could be included in the Council's response.

Action By

The Economic Projects Officer advised that he would be formulating the Council's response later that day. It would be based on the points at 3.1.8 of the report and he would ensure that as much local demographic information as possible was included, together with any relevant forecasts.

A Member drew attention to the fact that NCC was actively considering introducing a flexi-bus or dial-a-ride scheme this autumn. This would mean that many local villages would have bus services and easier access into Dereham.

The Chairman concluded the discussion by saying that the Council's reply would draw upon points made at this meeting and that the reply would be copied to panel members before it was issued. As the response deadline was imminent, he asked Members to ensure that any comments were sent back as soon as possible.

RESOLVED that the report be noted; and the Council's response be agreed along the lines as suggested and copied to all Members of the Panel for comment prior to issue.

Mr Simpson invited Members to email him with any further comments they might have.

**27/08 REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)
(AGENDA ITEM 7)**

The Head of Legal Services introduced this item and, to set the Regulation of Investigatory Powers Act (RIPA) into context, read out a letter from Sir Simon Milton, Chairman of the Local Government Association, which had been sent to all Council Leaders on 20 June 2008.

Key points from the letter included:

- Recent damaging – and often inaccurate – publicity about councils mis-using surveillance powers under RIPA. This had given rise to much public debate.
- The RIPA powers are designed to be used in response to residents' complaints but should only be used when "*necessary and proportionate in order to prevent or detect a criminal offence*".
- The LGA were asking Council Leaders to ensure that their staff are only using these powers after careful and appropriate consideration and under formal authorisation.
- The LGA are keen that such powers of authorisation should be reviewed annually by the appropriate scrutiny panel.
- It was felt that dog fouling or littering should not be considered as falling within the test of "necessary and proportionate" criteria.

Action By

- The LGA and Local Authorities Coordinators of Regulatory Services (LACORS) are working with the Government and other key organisations to clarify some details of the legislation so that it can be used sensibly and appropriately rather than perceived to be abused.

The Head of Legal Services explained why and how the Council used the RIPA powers and that the Council had been independently audited on this.

The Legal Executive circulated the following information to Members:

- A copy of letter from Sir Simon Milton, Chairman of the Local Government Association, addressed to all Council Leaders.
- Breckland Council's Guidance Notes ref the Regulation of Investigatory Powers Act (RIPA) 2000. (*November 2005 version.*)
- A Background Note to the RIPA.
- A copy of the Office of Surveillance Commissioners' (Lord Colville's) Inspection Report for Breckland District Council – 4 June 2008. (Restricted document provided for Members of the Panel.)

A brief synopsis of the main areas covered by RIPA was given from which it was noted that RIPA provided the legislative framework within which covert surveillance operations must be conducted in order to ensure that investigatory powers were used in accordance with human rights.

It was explained that covert surveillance was carried out in a manner calculated to ensure that the person who was the subject of surveillance was unaware that it was, or may be, taking place.

RIPA defined two different "types" of covert surveillance:

- Directed surveillance
- Intrusive surveillance

The Council had no powers to undertake intrusive surveillance and could use directed surveillance *only for the purpose of preventing and detecting crime or of preventing disorder*. (If a directed surveillance operation did not fall within this remit, then the Council may be acting unlawfully under the Human Rights Act (HRA)).

The Legal Executive stressed that the Council had a very specific and proper procedure to be followed whenever a surveillance operation was planned. In the event of any challenges, the Council needed to be able to prove that it had followed all procedures, especially relating to proportionality. The procedure was explained as follows:-

Action By

- Authorisation was the process by which a directed surveillance operation is subject to proper consideration, recording and approval by the officer conducting the investigation and the Director authorised to approve it.
- Proportionality was the fundamental principle embedded in the HRA. The Council must be able to demonstrate that a surveillance operation justified the level of intrusion of privacy that may occur.
- CHIS – Covert Human Intelligence Source (i.e. using an informant). (Not used by the Council to date but again use would be subject to the “necessary and proportionate” criteria.)

In answer to a question, the Head of Legal Services advised that, as an operational function, Members were not directly involved in the authorisation process. However, as recommended by the LGA, it was proposed that there should be an annual report to Overview and Scrutiny Commission on the numbers and types of authorised cases handled and their success or otherwise, to ensure proper scrutiny of the function.

Breckland’s record of authorised RIPA cases in the period July 2005 to May 2008 had totalled 32, as follows:-

Environmental Health	13	Noise and licensing issues
Revenues	11	Benefit fraud
Environmental Services	5	Fly Tipping
Anti-social behaviour	1	
Traveller incursion at EcoTech	1	
Planning	1	

It was felt that it could be argued that the Council had under-, rather than over-used its RIPA powers over this period – and the LGA had commented that Breckland’s record was “modest”.

The Community Safety Officer gave some working examples by way of illustration, explaining that the team focussed on ‘hot spots’ (areas where there are repeated offences of a serious nature) in collaboration with other key agencies (e.g. from the Police, Fire Departments and Forestry Commission etc). After issuing appropriate signage and information to local residents, the Council used their RIPA powers by deploying appropriate surveillance equipment in the area to act as a deterrent.

A Member queried whether the Council was able to use evidence from privately owned surveillance cameras. It was confirmed that this was possible, although such evidence would need to be drawn from the individual’s private land and not from any public areas. Particular care was needed, however, in cases where evidence was submitted by third parties for use as part of a case.

The Head of Legal Services summarised the findings from Lord Colville’s Inspection on 4 June 2008 as follows:-

Action By

- There had been a vast improvement since the last inspection in June 2005 when the Office of Surveillance Commissioners had asked for an immediate review of the Council's operations and training needs.
- The Inspector was pleased to see a very much improved Guidance document and confirmed that general procedures were sufficient, bearing in mind that the Council made only modest use of covert surveillance.
- Recommendations from the report highlighted the need for authorising officers to give more attention and detail to their comments when authorising requests (i.e. the authorising officer should be seen to give each request considered thought, rather than just a simple sign-off agreement).
- The report also recommended that a number of small modifications should be made to the Guidance notes. (*The Legal Executive commented that the 2005 Guidance Notes were fundamentally sound but minor improvements and amendments were being made appropriately.*)

Members were advised that comprehensive training for front line staff and authorising officers had been arranged for September 2008. There would also be six monthly refresher courses, as appropriate.

Inspections generally took place at three-yearly intervals but could occur sooner. It was also noted that consideration was being given to the appointment of a second authorising officer.

Members endorsed the need for regular updating of the Guidance documents and it was suggested that updates be made on an annual or bi-annual basis and annotated to show the date of the review, including 'no change'.

In response to a query, the Head of Legal Services explained that if any constituent felt that they had been the victim of "inappropriate surveillance" then they had a statutory right to complain to the Office for Surveillance and the Council would be held to account if it was found to have acted unlawfully. It was also explained that it was considered inappropriate for ward members to be routinely informed of any operational surveillance activities taking place.

The Chairman thanked the officers for what had been an informative discussion.

RESOLVED that the report be noted.

RECOMMEND to the Overview and Scrutiny Commission that an annual report on RIPA activity be incorporated into the work programme.

Action By

28/08 WORK PROGRAMME (AGENDA ITEM 8)

The following items from the work programme were noted for report to the next meeting:

- Empty Homes Policy.
- Breckland Voice – Review of Distribution.

29/08 DATE OF NEXT MEETING (AGENDA ITEM 9)

It was noted that the next meeting of the Panel would be held on Wednesday, 3 September at 10.00 a.m. in the Bowls Room, Watton Sports Centre, Dereham Road, Watton.

The meeting closed at 11.50 am

CHAIRMAN

BRECKLAND COUNCIL

Report of the Executive Member – Economic and Housing Portfolio to the PDRP 2 – 3rd September 2008

Private Empty Dwellings Policy

1. Purpose of Report

- 1.1 To bring forward a replacement for the existing Empty Dwellings Policy reflecting changes in legislation

2. Recommendations

It is recommended that the Council/Cabinet:

- 2.1 Adopt this replacement policy.

Note: In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

3. Information, Issues and Options

3.1 Background

- 3.1.1 The legislation surrounding the powers available to a Local Authority changed with the enactment of the provisions in the Housing Act 2004.
- 3.1.2 Whilst Cabinet has already adopted the new powers it is necessary to reflect that in policy documents aligned with the new Private Sector Housing Strategy.

3.2 Issues

- 3.2.1 The current policy reflects the legislation extant at the time of writing (2002) since when new powers have been introduced by the Housing Act 2004.
- 3.2.2 The new policy includes the new provisions.

3.3 Options

- 3.3.1 To adopt the new policy which reflects current legislative provision and the powers already adopted by Cabinet
- 3.3.2 To not adopt the new policy and to continue with the old policy, which does not reflect the new powers already adopted by Cabinet. Such a conflict could result in the Council being unable to justify its actions to a Residential Property tribunal.

3.4 Reasons for Recommendation(s)

- 3.4.1 To enable the Council to exercise the powers already adopted by Cabinet.
- 3.4.2 To be able to justify its actions to a Residential Property Tribunal.

4. Risk and Financial Implications

4.1 Risk

- 4.1.1 The risk assessment indicates that if the recommendations are not implemented the following risks may occur:

A Residential Property Tribunal may consider that the Council is operating outside of policy in that the current policy does not reflect the adoption, by the Council, of powers contained in the Housing Act 2004.

4.2 Financial

- 4.2.1 None

5. Legal Implications

- 5.1 The new policy incorporates all new legislative provisions and to rely on the existing policy could result in the Council being subject to unfavourable decisions at a Residential Property Tribunal.

6. Other Implications [Insert statement or confirm 'none' as appropriate at each sub-paragraph]

- a) Equalities: No differential impact.
- b) Section 17, Crime & Disorder Act 1998: Yes, empty dwellings can be a focus for anti social behaviour and their removal aids crime reduction.
- c) Section 40, Natural Environment & Rural Communities Act 2006: None.
- d) Human Resources: None.
- e) Human Rights: None.
- f) Other: None.

7. Alignment to Council Priorities

- 7.1 Building safer and stronger communities.

8. Ward/Community Affected

- 8.1 All.

Background Papers

*Cabinet report January 2007 – Empty Dwelling Management Orders
(Adoption of new powers in Housing Act 2004)*

Lead Contact Officer:

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Key Decision Status (Executive Decisions only):

Not key decision – on forward plan

Appendices attached to this report:

Empty Dwelling Policy

Empty Dwellings Policy

Contents

- 1. Introduction**
- 2. Aims of the Policy**
- 3. Strategic context**
- 4. Evidence base**
- 5. Operation**

1

Introduction

Breckland Council recognises that empty dwellings are a wasted resource at a time of housing scarcity. Returning such dwellings to use, or demolishing them to free up land for redevelopment, can help to meet housing needs at relatively little cost.

Many dwellings will be empty periodically as part of the normal housing market processes. However where a dwelling remains empty for long periods (six months or longer), concerns will arise as to its long term viability. The longer a dwelling is empty, the greater will be the risk of deterioration and eventual collapse.

Empty dwellings can become a target for anti-social behaviour; visually blight the streetscape; create a hazard through decay; and act as a deterrent to environmental and social improvement.

Through a mix of enforcement, advice, guidance and financial support, Breckland Council will act to bring empty dwellings back into use, or seek to have them demolished to allow redevelopment of the land.

2

Aims of the Policy

The aims of the policy are:

- To bring empty dwellings back into use at the Decent Homes Standard.
- To bring about demolition of empty dwellings that cannot be brought up to Decent Homes Standard, in order to free up land for new development.
- To help increase the supply of housing units.
- To ameliorate nuisances associated with long term emptiness.
- To help improve the local environment.

3

Strategic context

All enforcement, regulatory and advisory activity carried out by Breckland Council's private sector Housing Team is under the auspices of Acts of Parliament; Rules and Orders made thereunder; and Guidance, both statutory and advisory, issued by the appropriate National Authority. These, collectively, give either a duty or a power to the function.

Primary legislation :	Housing Act 2004 Environmental Protection Act 1990 Local Government (Miscellaneous Provisions) Act 1982 Prevention of Damage by Pests Act 1949
Secondary legislation :	Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
BVPI :	64 returning empty dwellings to use or demolish
PSA :	None
Written policy:	Yes

The Housing Act 2004 sets out the regulatory framework by which the condition of dwellings is assessed: the Housing Health and Safety Rating System, (HHSRS). The Decent Homes Standard is a quality, but not an intervention, standard but dwellings will fail this standard if they fail HHSRS to the extent of having a Category 1 hazard.

The Act also sets out the duties and powers to deal with failures under HHSRS, (Hazard Awareness and Improvement Notices, Prohibition and Demolition Orders), and also specific powers to deal with empty dwellings through Interim and Final Empty Dwelling Management Orders, (EDMOs).

The Environmental Protection Act 1990 allows for the taking of action against a person who, by whose act, default or sufferance, allows a nuisance to arise, or continue. In the case of an empty dwelling giving rise to a nuisance, or becoming prejudicial to health, action could be taken against an owner to abate that nuisance.

Where an unoccupied building, or one from which the occupier is temporarily absent, is not considered to be secure against unauthorised entry a Local Authority may require that it is so secured.

In all of the above legislation works in default powers exist in the event of non-compliance with full recovery of costs.

Where a dwelling has been unoccupied for at least two years immediately prior to being refurbished and improved for occupation, the works can be rated at 5% VAT and in certain cases the sale of renovated dwellings can be zero rated for VAT if they are being sold after being empty for 10 years or more since the completion date of the renovation. Further details are available from HM Revenue and Customs.

4

Evidence Base

Evidence for numbers and locations of empty dwellings will be obtained from a number of sources.

Primary sources of evidence on overall numbers will be through stock condition surveys carried out at no more than five yearly intervals. Such

surveys are sample surveys of around 1000 dwellings. The last such survey was carried out in July 2007 and indicated that 4.2% of the total housing stock was vacant, equating to 2264 dwellings. However half of that figure were only vacant for the purpose of sale or rent, i.e. were part of normal market processes. Of the remainder, 0.2% (94 dwellings) were undergoing repair or refurbishment, leaving 1.9% (1031 dwellings) to be considered long term empty with no immediate resolution.

In order to specifically identify empty dwellings to address, a survey was carried out in 2005 and all such dwellings were entered on the APP database and coded so they can be easily identified.

On a monthly basis Anglia Revenues Partnership, who levy the Council Tax on Breckland Council's behalf, send a list of dwellings currently rated as vacant. This is correlated with the APP data to produce an up to date list of vacant dwellings.

Parish Councils are also asked, periodically, on any empty dwellings known to them to be advised to Breckland Council.

Additional information on empty dwellings is obtained by complaints from members of the public and by direct observation by officers of the Council whilst out and about.

5

Operation

Under BVPI 64 Breckland Council will set an annual target of empty dwellings to be brought back into use or demolished. This target is embedded in the Council's Annual Delivery Plan. Progress against the target is monitored monthly and reported through the Council's performance monitoring process.

Action to achieve that target is through the following procedures:

1) Officer action

All Private Sector Housing district officers will have a number of empty dwellings, between six and ten, which they are intensively dealing with at any one time.

Officers will seek to identify owners of such dwellings and initially contact them to establish why the dwelling is empty and to advise that it is being monitored. Initially owners will be given advice on options for bringing the property back into use or for demolition and reuse of the land.

Dependant on progress, action may then escalate to enforcement, (see below). Where there is evidence of satisfactory progress towards resolution the situation will be monitored and reported monthly.

As a dwelling is brought back into use, or demolished, the officer will cease to work on that particular dwelling and another will be brought forward for intensive action.

2) Advice and guidance

Officers will give advice and guidance on options for dealing with empty dwellings which will include signposting to external sources and other internal departments, e.g. Planning.

Owners will be given advice on sources of funding to assist with the costs of refurbishment as well as non-financial options.

Such advice and guidance will be given before consideration of any enforcement action save where immediate action is required to deal with any nuisance or threat to health arising from an empty dwelling.

Publicity campaigns will be undertaken periodically through the Council's magazine, Breckland Voice, to raise awareness of the issue with the general public. Specific events e.g. Roadshows, will also be undertaken.

3) Enforcement action

Where there is insufficient progress towards resolution of an empty dwelling, whether an owner has been identified or not, consideration will be given to enforcement action.

Initially this will be the identifying of hazards through the Housing Health and Safety Rating System, (HHSRS). The most satisfactory course of action must be chosen and will be aimed at dealing with the identified hazards and the bringing back into use, or demolition, of the dwelling.

The preferred enforcement route will be through Interim and Final Empty Dwelling Management Orders, (EDMOs).

With an EDMO the Council takes over management, but not ownership, of the dwelling and must take immediate steps to secure occupation. This may include carrying out such works of repair and renovation as are necessary.

This is a discretionary power to secure proper management, and occupation, of a long term empty dwelling, in the following circumstances:

- must have been empty for at least six months;
- the Council has exhausted all routes to bring the dwelling back into use;
- there is no reasonable prospect of the dwelling becoming occupied in the near future without the use of an EDMO.

Initially the Council has to apply to a Residential Property Tribunal for an Interim EDMO. If granted, this will last for a maximum of one year. At the end of that period, or earlier, the Council may hand back management of the property if it believes that the long term occupation of the dwelling has been secured and that confidence in the management is sufficient to ensure that it will continue. If this is not the case, however, the Council may convert the Interim EDMO into a Final EDMO which can last for up to seven years.

Operation of EDMOs will be handled by Havebury Housing Association on the Council's behalf.

4) Private Sector Leasing (Key Potential)

An alternative to enforcement action, or by voluntary agreement, is a Private Sector Leasing scheme, (PSL).

In this circumstance an owner of an empty dwelling enters into an agreement to hand over management of an empty dwelling to the Council, through its agents Havebury Housing Association. The scheme, called Key Potential, involves taking on the management of an empty dwelling for a negotiated period and includes the carrying out of refurbishment and on-going repairs and maintenance. Costs are

recovered via rent diversion and the property is handed back at the end of the lease period in a fully lettable condition.

5) Domicile financial assistance

As part of its housing renewal policies, Breckland Council provides financial assistance for bringing an empty dwelling back into use.

The Domicile scheme is accessible to landlords, or potential landlords, who wish to refurbish a dwelling and continue to let it.

The assistance is 20% of the cost of refurbishment, up to a maximum of £20,000, and is given as a repayable loan. Conditions are attached to recover monies in the event of default and the loan may be repaid at any time but ceases to be repayable after twenty years.

6) Dwellings not secured against unauthorised entry

Where a dwelling is unoccupied or the owner is temporarily absent, and is not secured against unauthorised entry, the Council may serve on the owner a notice requiring that the property be so secured. If the notice is not complied with the Council may, itself, carry out the necessary works and recover its costs.

7) Nuisances arising from empty dwellings

Where nuisances arise from an empty dwelling the Council will take action to bring about the abatement of the nuisance and preventing its recurrence by serving a notice on the owner under the Environmental Protection Act 1990. In the event of non-compliance the Council may carry out such works as are necessary itself, and recover its costs.

Where there is evidence of pests resorting to an empty property, including its curtilage, a notice can be served on the owner under the Prevention of Damage by Pests Act 1949 to carry out such works to remove them and prevent their recurrence. The Council may carry out the work in default and recover its costs.

**Report of Tim Leader, Deputy Chief Executive – Cabinet Portfolio
Policy Development & Review Panel 2 – 3rd September 2008****OPTIONS FOR DISTRIBUTION OF BRECKLAND VOICE****1. Purpose of Report**

- 1.1 This report provides information that will enable members to discuss the various options for distributing the Councils' Community magazine, Breckland Voice, and make recommendations for change if appropriate.

2. Recommendations

- 2.1 It is recommended that the Council continue to deliver Breckland Voice with the wheelie bins, but pay an additional £650 per edition to provide postal delivery to properties sharing a bin. This cost could be met from within the existing budgets for the remainder of 2008/09; subsequently additional funding would be required. This would have to be met by either a virement from another existing budget, or a growth bid put forward into this year's budget process.

Note: In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

3. Information, Issues and Options**3.1 Background**

- 3.1.1 At the 23rd June 2008 meeting of the Policy Development & Review Panel 2, members discussed the merits and drawbacks of the current arrangements for distributing Voice, and asked for a report to be prepared giving information about alternative methods of distribution.
- 3.1.2 Research has shown that there is a very strong relationship between how well informed residents feel about what their Council is doing, and their overall satisfaction with the organisation. As 'Breckland Voice' is the principal vehicle through which the Council communicates with its residents, it is important that Voice is seen as a high quality, informative publication, that the magazine reaches every resident and that as many residents as possible choose to read it.
- 3.1.3 As the principal vehicle communicating Council messages to residents, it is important that Voice is viewed as a high quality publication. The current method of distribution, whilst cost effective, has raised questions in terms of sending a negative message by association, and in terms of possibly increasing wastage. There is no evidence to support either assertion and, as alternative methods of distribution are significantly more expensive, research would need to be undertaken to obtain an accurate picture before changing to a delivery method that would incur significant additional cost. Should subsequent research confirm these assertions, members would need to balance the issues of image and wastage with those of cost.
- 3.1.4 It is clear from the Breckland Voice survey carried out earlier this year that residents rate Breckland Voice as highly informative, interesting and easy to read, and state that it is their preferred method for receiving information about Council Services and benefits.
- 3.1.5 The tone and content of the publication is clearly right for residents, this report looks at a number of different options for distribution.

3.2 Issues

3.2.1 **Past and current delivery arrangements**

3.2.2 Breckland Voice has been delivered with the wheelie bins for approximately 10 years. Before this, Voice was delivered by Royal Mail, using the door-to-door service. This proved to be very unreliable in our district and, after a Royal Mail delivery when a large number of households were omitted, the distribution method was changed and since then Voice has gone out with the wheelie bins.

3.2.3 55,000 copies of Breckland Voice are currently delivered by Serco to Breckland households. The publication is normally secured under the bin lid or rolled up and put through the handle. The magazines are polywrapped to protect them from weather and handling. For households sharing a bin, a bundle is left with the shared bin.

3.2.4 The delivery of Voice 4 times per annum is met as part of the Serco contract which runs until 2015. Although the cost of Voice deliveries is not specified in the contract recent discussions with Serco have determined the cost as 3p per copy. Should Breckland change the method of distribution, this would entail negotiating an amendment to the Serco contract.

3.2.5 **Delivery arrangements for other Councils' community magazines**

3.2.6 Having contacted 5 Councils who produce and distribute a residents' magazine, it is apparent that most have looked into the issue of distribution and made a decision based on a trade-off between cost and achieving a high readership.

3.2.7 Of the 5 Councils contacted, most use Royal Mail, taking advantage of bulk delivery discounts. Those using Royal Mail use Boundary Match - the 'door-to-door' service supplemented by direct mail to the split-postcode addresses. Although Breckland experienced problems with the 'door-to-door' service in the past; it appears that the service is more reliable now as current users reported only occasional problems. One Council contracted the delivery to a specialist agency.

3.2.8 Two of the Councils contacted had used the wheelie bin option in the past, but had changed to postal delivery.

3.2.9 **Summary and evaluation of various delivery options**

3.2.10 A detailed analysis of the pros and cons of various options is shown in Appendix 1.

3.2.11 Briefly, the current method of delivery is the only option that is both reliable and affordable. It has huge advantages in terms of both cost and flexibility. The issue of properties sharing bins not always receiving an individual copy can be overcome for the relatively small additional cost of £650 per edition delivery. Against this are possible increased waste and negative associations with wheelie bin delivery.

3.2.12 Alternative methods have the advantage of through-the-door delivery, but are significantly more expensive and are much less flexible because changes to deadlines cannot be so easily accommodated. Assuming the current frequency of Voice (10 issues per annum), even the cheapest of these options, Royal Mail door-to-door delivery, would increase the annual distribution cost by over £12,900 per annum. The cost would almost certainly be more as any changes to schedules incur substantial cancellation charges. This alternative is also not suitable for a number of other reasons. Door-to-door gives blanket coverage by part-postcode. As Breckland shares many of its postcodes with neighbouring authorities, copies of Voice would be also delivered to non-residents. With door-to-door, deliveries have to be booked up to 6 months in advance and changes to deadlines cannot be accommodated.

- 3.2.13 The Royal Mail option offering the best balance between cost and achieving the correct boundary coverage is the Boundary Match service. This service uses direct mail for postcodes that split over Council boundaries, and door-to-door for the remaining households. However, this would increase costs by £4,885 per delivery (£48,850 for 10 editions).
- 3.2.14 Whilst it is possible that some residents may think less of the publication because of its association with the delivery of the wheelie bins, this needs to be balanced with residents expectation that the Council should seek cost-effective solutions when spending council taxpayers money

4.1 **Recommendation**

- 4.2 It is recommended that the Council continue to deliver Breckland Voice with the wheelie bins, but pay an additional £650 per edition to provide postal delivery to properties sharing a bin. This cost could be met from within the existing budgets for the remainder of 2008/09; subsequently additional funding would be required.

4.3. Reasons for Recommendation(s)

- 4.4 This option will ensure delivery of Voice to all Breckland residents whilst demonstrating that the Council seeks the most cost-effective solutions when spending council taxpayers' money.

5. **Risk and Financial Implications**

4.1 Risk

- 4.1.1 The recommended option does not carry any significant risk
- 4.1.2 If members wish to pursue an option that would entail dropping delivery of Voice with the wheelie bins from the Serco contract, there is a risk that Breckland may not be able to re-instate delivery if the alternative does not work out. This risk has major financial implications, but can be mitigated by ensuring that any amendment to the contract allows Breckland to re-instate delivery on the same terms as before.
- 4.1.2 If a significantly more expensive option is chosen, Breckland may be accused of wasting Council Tax payers money unnecessarily. This risk could potentially have major negative impact on the Council's image but it can be mitigated by undertaking research. If research shows that current arrangements lead to negative perceptions and increased wastage, then the Council can explain and justify its actions.
- 4.1.3 If a less or less comprehensive reliable method of distribution is pursued it is likely that there will be problems with the delivery of Voice and there will be negative publicity and feedback from residents. It is not possible to mitigate these risks other than by not pursuing such options.

4.2 Financial

- 4.2.1 Proforma B. Attached.

6 **Legal Implications**

- 6.1 Delivery of Voice with the wheelie bins is part of the Serco contract. If wheelie bin delivery is dropped, the Serco contract would have to be amended. Serco may or may not agree to such an amendment. However, Initial discussions have indicated that Serco would be agreeable.

7. Other Implications

- a) Equalities: None
- b) Section 17, Crime & Disorder Act 1998: None
- c) Section 40, Natural Environment & Rural Communities Act 2006: None
- d) Human Resources: None
- e) Human Rights: None
- f) Other: [e.g. Children's Act 2004] None

8. Alignment to Council Priorities

- 8.1 Breckland's community magazine, Voice, is the principal vehicle through which Breckland communicates to residents how it is delivering against all Council priorities.

9. Ward/Community Affected

- 9.1 Affects all wards

Background Papers

None.

Lead Contact Officer:

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Key Decision Status (Executive Decisions only):

This is not a key decision.

Appendices attached to this report:

Appendix 1; Detailed analysis of pros & cons of different distribution methods.

Appendix 2 Cost of producing Breckland Voice

APPENDIX 1

OPTIONS	COST	NOTICE	PROS	CONS
<p>1. Serco (current)</p>	<p>4 deliveries per annum are part of cost of Serco contract. A separate sum for Voice delivery is not specified.</p> <p>Figures per delivery have recently been negotiated and have been agreed as in the region of 3p per copy. i.e. £1,650 per delivery.</p>	<p>Only 1 week notice needed to deliver Voice.</p> <p>Magazines delivered to the depot on Thursday will be delivered the following Monday</p>	<p>Very low cost option</p> <p>This method allows maximum flexibility. There are frequently hold-ups with the production of Voice when articles are added or amended at a late date. This presents no problem with wheelee bin delivery as the delivery is simply scheduled to the next recyclables collection, with no cancellation fee.</p> <p>With the exception of flats sharing a bin*, every household receives a copy.</p> <p>Inserts do not increase the delivery cost.</p> <p>* this problem can be overcome – see 1a</p>	<p>Where a number of households share a bin, there have been instances when residents have complained they have not received a copy.</p> <p>It is possible that delivery of the Council's main publication with the wheelee bins may, by association, lead people to value the publication less. There is no evidence to support this.</p> <p>Needs to be polywrapped.</p> <p>Possible increased wastage as it is easier for residents to put Voice straight into the bin.</p> <p>Soiling with rain/snow.</p>
<p>1a. Serco + separate postal delivery for flats.</p>	<p>As above plus postage and fulfilment @ £650. £2,300 per delivery</p>	<p>As above</p>	<p>As above, but delivery to all residents living in flats guaranteed.</p>	<p>As above, but delivery to all Breckland household guaranteed.</p> <p>Needs to be polywrapped.</p>
<p>2. Mailing House + Royal Mail.</p>	<p>£15,292 per delivery.</p> <p>Price is for polywrapped package; envelopes would increase cost.</p>	<p>2-3 weeks</p>	<p>Through the door delivery</p> <p>Packages are addressed, so delivery to every household guaranteed.</p>	<p>Considerably more expensive.</p> <p>Less flexibility.</p> <p>Inserts would increase the cost further if weight increase of more than 18g.</p> <p>Delivery is part of a Serco contract running to 31st March 2015; any amendment would need to be negotiated.</p> <p>Price is for polywrapped package.</p>

<p>3. Specialist delivery agency.</p>	<p>Approximately £4,000 per delivery.</p>	<p>Advance notice of 2-3 weeks, but not clash with Forest Heath publication.</p>	<p>Through the door delivery No cancellation charges No need for polywrap</p>	<p>Considerably more expensive. Voice could not go out at same time as the Forest Heath publication. Forest Heath advise that achieving comprehensive distribution is a very slow process and takes a lot of work. Serco contract would need to be amended.</p>
<p>4. Royal Mail door-to-door</p>	<p>£4,647* per edition, Polywrapping can be omitted with this delivery method, saving £1,715. * saving from omitting polywrapping brings cost down to £2,931 per delivery</p>	<p>To guarantee all postcodes are covered, slots need to be booked at least 6 months in advance to be reasonably sure of getting all postcodes required.</p>	<p>Through the door delivery Does not need to be polywrapped Cheapest of the Royal Mail options</p>	<p>Very inflexible. Slots need to be booked at least 6 months in advance. If the exact date is not met, cancellation charges of between 25% (3-6 months notice given) to 100% (less than 14 days notice given). Service cannot deliver to exact district council boundaries; copies of Voice would be delivered to the residents of neighbouring authorities. Serco contract would need to be amended.</p>
<p>5. Boundary Match.</p>	<p>Average 12p per copy. £6,600 per delivery. * saving from omitting polywrapping brings cost down to £4,855 per delivery.</p>	<p>8 weeks notice needed.</p>	<p>Through the door delivery Door to door element does not need to be polywrapped & addressed mail can be delivered in carbon neutral envelopes. Delivery to all households.</p>	<p>Considerably more expensive. If the exact date is not met, cancellation charges of between 25% (3-6 months notice given) to 100% (less than 14 days notice given).</p>

APPENDIX II

Breckland Voice production and distribution costs

Design and print of 55,500 copies*	6,810
Polywrapping	1,715
Delivery cost per Voice edition	1,650
Total cost	<u>10,175</u>
Less advertising revenue	<u>2,200</u>
	£7,975

* this is for the usual 16 page edition

Advertising revenue normally ranges between £2,000 - £2,500.

BRECKLAND COUNCIL

PROFORMA FOR EXECUTIVE MEMBER APPROVAL OF THE RELEASE OF RESOURCES (CAPITAL AND REVENUE BUDGETS)

FROM: Alison Batley (Management Accountant)

THIS PROFORMA PROVIDES THE FINANCIAL IMPLICATIONS IN RESPECT OF THE ATTACHED

REPORT: **Options for Distribution of Breckland Voice**
 REPORT DATE: **3rd September 2008**

	£ Year 1 2008/09	£ Year 2 2009/10	£ Year 3 2010/11	£ Year 4 2011/12	£ Year 5 2012/13
Revenue					
361 0000 000 4506		£6,500	£6,760	£7,030	£7,310
Total Capital + Revenue		£6,500	£6,760	£7,030	£7,310

Funding required:		Considered by:	Date:
Total capital cost	£0	Policy Development & Review Panel	03/09/08
Revenue cost	£27,600		

Financial Services Comments

This report recommends that the Council continue to deliver Breckland Voice with the wheelie bins, but pays an additional £650 per edition to provide postal delivery to properties sharing a bin. Based on ten editions a year, this would cost an extra £6,500 per year.

These costs could be met from within the existing budgets for the remainder of 2008/09, however additional funding would be required from 2009/10 onwards. This additional funding would have to be met from one of the following options:

- o A virement from another existing budget
- o A growth bid put forward into this years budget process

Risk

Risks have been addressed in the attached report. There is an additional risk that the budget may not be identified to support this proposal, therefore no contract should be entered into until the funding has been identified & approved.

Procurement

Procurement must comply with Breckland Council's financial regulations and standing orders.

Value for Money Efficiency

No efficiencies have been identified as a result of this report. Any efficiency identified within the project should be reported to Finance when quantified.

This PB is valid for 3 months from PB date	If this PB is not longer required please advise Finance	If there are changes to the original report it may invalidate this document, it must be reviewed by Finance.
13/08/2008	Page 1 of 1	D:\moderngov\Data\AgendaItemDocs\2\179\A100004972\B080903DistributionofBrecklandVoice0.doc

Policy Development & Review Panel 2

Work Programme and Meeting Schedule

Topic/Item	Lead Officer(s)	3 Sept 2008 Watton	16 Oct 2008 Dereham	27 Nov 2008 Dereham
Work Plans of the Sports/Arts Development Officers	Riana Rudland			
Member Development and Training (2)	Stephen McGrath Ian Vargeson			
Breckland Website - Improvement Plan Monitoring	Jonathan Collison Lisa Hilton			
Street Lighting Levy (3)	Ray Johnson			
Empty Homes Policy	Anita Brennan/ Gordon Partridge			
Breckland Council RIPA powers – Annual Review (1)	Mike Horn			
Breckland Voice – Review of Distribution	Pam Sayle			

Notes

- (1) Bring forward to June 2009.
- (2) To be scheduled
- (3) To be scheduled